Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 071909
ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 CIAE-00 DODE-00 PM-04 H-01
INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 SCS-03 SCA-01 DHA-02 CPR-01 /059 R

DRAFTED BY L/HR:CRUNYON
APPROVED BY ARA: CWBRAY
ARA/CEN:EHICKS
ARA/CEN:M.BOVA
ARA:GLISTER
L:FARMSTRONG
SCS:JAMES F. HUGHES
L:FARMSTRONG
----------020438Z 024179 /63
P 011957Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY SAN SALVADOR PRIORITY

LIMITED OFFICIAL USE STATE 071909

E.O. 11652: N/A

TAGS: CASC, SHUM, PINS, ES

SUBJECT: APPROVED NOTE TO FOREIGN MINISTRY ON HUMAN RIGHTS
AWD CONSULAR CONVENTION VIOLATIONS

REF: SAN SALVADOR 1371

1. FULL TEXT OF DEPARTMENT APPROVED NOTE TO FOREIGN
MINISTER IS PROVIDED HEREIN. LATTER PORTION WAS MODIFIED
SOMEWHAT.

2. TEXT OF NOTE: EXCELLENCY:
I HAVE THE HONOR TO BRING TO THE MINISTER'S ATTENTION INCI-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 071909

DENTS WHICH OCCURRED ON FEBRUARY 14, 1977, AND FEBRUARY 28,
1977 RESPECTIVELY, INVOLVING THE ARREST AND SUBSEQUENT INCAR-
CERATION OF AMERICAN CITIZENS, FATHER BERNARD SURVIL AND
MR. TRACY NIELSEN. MR. NIELSEN, A MISSIONARY OF THE CHURCH
OF JESUS CHRIST OF LATTER DAY SAINTS, INFORMED THE EMBASSY
THAT HE WAS ARRESTED BY THE NATIONAL POLICE AFTER HE WAS
OBSERVED TAKING PHOTOGRAPHS OF MILITARY EQUIPMENT AND OF

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

BURNING VEHICLES IN CENTRAL SAN SALVADOR. HE SAID HE HAD
BEEN TAKEN TO POLICE HEADQUARTERS AND AFTER INTERROGATION
WAS BLINDFOLDED BY TWO MASKED MEN WEARING CIVILIAN CLOTHES.

ALSO HE SAID HE HAD BEEN FORCED TO STAND WITH HANDS AGAINST
THE WALL BLINDFOLDED FOR OVER AN HOUR. AFTER APPROXIMATELY
FIVE HOURS, THE BLINDFOLD, ACCORDING TO HIM, WAS RE-
MOVED AND HE WAS PLACED IN A CELL. HE REMAINED IN CUSTODY
UNTIL MARCH 2, WHEN HE WAS ALLOWED TO RETURN TO HIS DWELL-
ING PLACE IN SAN VICENTE. HE TOLD A CONSULAR OFFICER OF
THE EMBASSY HE HAD NOT BEEN INFORMED OF HIS RIGHT TO HAVE
THE CONSULAR POST INFORMED OF HIS ARREST OR TO COMMUNICATE
WITH THE CONSULAR POST. MR. NIELSEN ALSO TOLD THE CONSULAR
OFFICER THAT HE ASKED TO CALL HIS MISSION SUPERIOR BUT WAS
DENIED THAT OPPORTUNITY AND WAS HELD INCOMMUNICADO.
A SIMILAR INCIDENT IS ALLEGED TO HAVE OCCURRED DURING THE
ARREST BY THE NATIONAL GUARD AT OPICO OF THE AMERICAN
PRIEST, FATHER BERNARD SURVIL, RECENTLY EXPELLED FROM EL
SALVADOR. HE WAS REPORTEDLY BLINDFOLDED, UNDRESSED, HAND-
CUFFED HAND AND FOOT TO A BED AND LEFT OVERNIGHT IN THAT
POSITION. THIS ALLEGED TREATMENT DID NOT BECOME KNOWN TO
THE EMBASSY UNTIL AFTER HIS DEPARTURE FROM EL SALVADOR.
FURTHERMORE, FATHER SURVIL ALSO APPARENTLY WAS NOT INFORMED
OF HIS RIGHT TO HAVE THE CONSULAR POST NOTIFIED OF HIS
ARREST AND TO COMMUNICATE WITH THE CONSULAR POST WHEN
ARRESTED BY THE NATIONAL GUARD. IT WAS NOT UNTIL HE WAS
TURNED OVER TO IMMIGRATION AUTHORITIES THE NEXT MORNING THAT
THE CONSULAR OFFICER WAS NOTIFIED.
UNDER ARTICLE 36, PARAGRAPH 1, SUBPARAGRAPH (B) OF THE
LIMITED OFFICIAL USE

VIENNA CONVENTION ON CONSULAR RELATIONS, TO WHICH EL SALVA-
DOR AND THE UNITED STATES OF AMERICA ARE PARTIES, THE AU-
THORITIES OF EL SALVADOR ARE REQUIRED TO INFORM AN ARRESTED
AMERICAN CITIZEN WITHOUT DELAY THAT HE HAS THE RIGHT TO
HAVE THE CONSULAR POST OF HIS COUNTRY INFORMED OF HIS AR-
REST AND TO COMMUNICATE WITH THAT CONSULAR POST. IF THE
ARRESTED AMERICAN SO REQUESTS, THE CONSULAR POST MUST THEN
BE INFORMED, WITHOUT DELAY, AND ANY COMMUNICATION HE
ADDRESSES TO THE CONSULAR POST MUST BE FORWARDED, AGAIN
WITHOUT DELAY. THE UNITED STATES INTERPRETS COMMUNICATION
TO MEAN ORAL AND TELEPHONIC AS WELL AS WRITTEN. THE EMBASSY
IS CONCERNED OVER THESE APPARENT VIOLATIONS OF THE RIGHTS
OF AMERICAN CITIZENS TO CONTACT THEIR EMBASSY OR CONSULAR
POST IN CASE OF ARREST, A RIGHT SECURED SPECIFICALLY BY A
MULTILATERAL TREATY TO WHICH BOTH THE UNITED STATES AND EL
SALVADOR ARE PARTIES. IT IS ALSO CONCERNED OVER THE RE-
PORTS OF THE ARBITRARY ARRESTS AND CRUEL, INHUMAN AND
DEGRADING BLINDFOLDING, FORCED STANDING AND SHACKLING TO A
BED. IN NEITHER CASE DID THE BLINDFOLDING AND OTHER RE-

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

PORTED ACTION APPEAR TO BEAR ANY REASONABLE RELATIONSHIP
TO ANY LAWFUL INTEREST OF THE GOES AND WOULD APPEAR TO CON-
STITUTE VIOLATION OF THE INTERNATIONALLY RECOGNIZED HUMAN
RIGHTS OF THE AMERICAN CITIZEN CONCERNED. IN THIS REGARD,
THE ATTENTION OF THE GOES IS DRAWN TO ARTICLES 55 AND 56 OF

THE UNITED NATIONS CHARTER, ARTICLES 5 AND 9 OF THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND ARTICLE XXV OF
THE INTER-AMERICAN DECLARATION OF RIGHTS AND DUTIES OF MAN.
FURTHER, THE MINISTRY'S ATTENTION IS INVITED TO THE FACT
THAT ARBITRARY DEPORTATION WITHOUT STATEMENT OF GROUNDS AND
OPPORTUNITY FOR REBUTTAL IS LIKEWISE A VIOLATION OF THE
RIGHTS OF THE AMERICAN CITIZEN INVOLVED. IN THIS CONNEC-
TION, ATTENTION IS INVITED TO ARTICLE 10 OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS AND ARTICLES II, XVII AND XVIII
OF THE INTER-AMERICAN DECLARATION OF RIGHTS AND DUTIES OF
MAN. THE EMBASSY REQUESTS THAT THE MINISTER BRING TO THE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 071909

ATTENTION OF OFFICIALS OF THE NATIONAL POLICE AND NATIONAL
GUARD AND OTHER APPROPRIATE AUTHORITIES THE CONCERN OF THE
USG OVER THESE INCIDENTS AND ASKS THAT MEASURES BE TAKEN
TO PREVENT SIMILAR OCCURRENCES IN THE FUTURE. IT WOULD
ESPECIALLY REQUEST THAT ALL PERSONNEL OF THE SALVADORAN
GOVERNMENT WHO MIGHT BE INVOLVED IN ARRESTS, DETENTION,
INTERROGATION, DEPORTATION, OR OTHER POLICE ACTIONS WITH
REGARD TO AMERICAN CITIZENS BE INSTRUCTED TO RESPECT THE
OBLIGATIONS OF EL SALVADOR UNDER ARTICLE 36 OF THE 1963
VIENNA CONVENTION ON CONSULAR RELATIONS, AS WELL AS WITH
RESPECT TO THE HUMAN RIGHTS JUST IDENTIFIED. THE EMBASSY
WOULD ALSO APPRECIATE INFORMATION ON ANY SPECIFIC CHARGES
AGAINST MR. NIELSEN AND THE REASON WHY THE EMBASSY WAS NOT
NOTIFIED AT ALL OF HIS ARREST.
CHRISTOPHER

LIMITED OFFICIAL USE

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE071909
Document Source: CORE
Document Unique ID: 00
Drafter: CRUNYON
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770114-0053
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770497/aaaadgmc.tel
Line Count: 154
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 1e948bab-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 SAN SALVADOR 1371
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2923686
Secure: OPEN
Status: NATIVE
Subject: APPROVED NOTE TO FOREIGN MINISTRY ON HUMAN RIGHTS AWD CONSULAR CONVENTION VIOLATIONS
TAGS: CASC, SHUM, PINS, ES, US
To: SAN SALVADOR
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/1e948bab-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009